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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED
2008 AUG 28 AM 10: 45
CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY KWK DEPUTY

UNITED STATES OF AMERICA, Plaintiff, v. **Jose Carlos ALEMAN-Fuentas,** Defendant	Magistrate Docket No. '08 MJ 2656
	COMPLAINT FOR VIOLATION OF: Title 8, U.S.C., Section 1326 Deported Alien Found in the United States

The undersigned complainant, being duly sworn, states:

On or about **August 27, 2008,** within the Southern District of California, defendant, **Jose Carlos ALEMAN-Fuentas,** an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **28th** DAY OF **AUGUST 2008.**

William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

DOA
8/27/08
KWK

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CONTINUATION OF COMPLAINT:
Jose Carlos ALEMAN-Fuentas

PROBABLE CAUSE STATEMENT

On August 27, 2008, Border Patrol Agent J. Daniels was performing his assigned duties in the Campo Border Patrol Station area of operations. At approximately 6:30 a.m. Agent Daniels was driving the border road near an area known as "Twin Towers". This area is approximately eighteen miles east of the Tecate, California Port of Entry and approximately less than a half mile north of the United States/Mexico International Border. Agent Daniels was able to locate fresh footprints for approximately twelve individuals heading north from the border. Agent Daniels followed the footprints for approximately one hour when he found twelve individuals trying to hide including one who was later identified as the defendant **Jose Carlos ALEMAN-Fuentas**. Agent Daniels approached the individuals and identified himself as a United States Border Patrol Agent and began to question each individual as to their immigration status. All twelve admitted to being citizens and nationals of Mexico without any documents allowing them to enter or remain legally in the United States. All twelve including the defendant were arrested at approximately 7:30 a.m. and transported to the Campo Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **August 13, 2004** through **Otay Mesa, CA.** These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

8/28/08
Date